

## **II. REMARKS**

By the present amendment, claim 7 has been amended to improve clarity. The present amendment has no further limiting effect on the scope of the claims.

The present amendment adds no new matter to the above-captioned application.

### **A. The Invention**

The present invention pertains broadly to a data processing method for extracting a subset from tabular format data, and to a data processing program stored in memory of a computer and operating the computer to extract a subset from tabular format data, such as may be used to efficiently process a subset of tabular format data. In accordance with an embodiment of the present invention, a data processing method for extracting a subset from tabular format data is provided that includes steps recited by independent claim 1. In accordance with another embodiment of the present invention, a data processing method for extracting a subset from tabular format data is provided that includes steps recited by independent claim 3. In accordance with another embodiment of the present invention, a data processing program stored in memory of a computer and operating the computer to extract a subset from tabular format data is provided that includes features recited by independent claim 9. In accordance with still another embodiment of the present invention, a data processing program stored in memory of a computer and operating the computer to extract a subset from tabular format data is provided that includes features recited by independent claim 11. Various other embodiments, in accordance with the present invention, are recited by the dependent claims.

An advantage provided by the various method and program embodiments of the present invention is that a subset of tabular-format data can be efficiently processed by shortening the amount of processing time required.

**B. The Rejections**

Claims 1-4, 7, 9-14, 27 and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

Claims 1-28 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by “Shinji” (JP 2000-339390, hereafter, the “Shinji Document”).

Applicant respectfully traverses the Examiner’s rejections and requests reconsideration of the above-captioned application for the following reasons.

**C. Applicant’s Arguments**

In view of the present amendment, claims 1-28 are now in compliance with 35 U.S.C. § 112.

Applicant objects to the Examiner’s rejection of claims 1-4, 9-14, 27 and 28 under 35 U.S.C. § 112, second paragraph, on the grounds that the Examiner states no reasons whatsoever to explain why it is the Examiner contends these claims are “indefinite” (See Office Action, dated March 5, 2009, at 2, lines 11-15). In particular, the only claim the Examiner specifically argues is indefinite is claim 7, which is a dependent claim. Applicant contends that the present amendment resolves any ambiguity that previously existed in claim 7.

For all of the above reasons, the Examiner has failed to establish a prima facie case of indefiniteness with respect to claims 1-4, 9-14, 27 and 28. Therefore, the Examiner must withdraw the rejection under 35 U.S.C. § 112, second paragraph, standing against claims 1-4, 7, 9-14, 27 and 28.

**i. The Section 102 Rejection**

Anticipation under 35 U.S.C. § 102 requires showing the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). In this case, the Examiner has failed to establish a prima facie case of anticipation against the claimed invention because the Shinji Document fails to teach each and every limitation recited by Applicant's claims.

**ii. The Shinji Document**

The Shinji Document discloses a method for combining tabular format data (See English Machine translation corresponding to JP 2000-339390, claim 1, provided by the Examiner with the Office Action of September 16, 2008). Applicant points out that the Shinji Document (JP 2000-339390) corresponds to WIPO Document WO 00/73939 A1, a copy of which is of record, and to U.S. Patent 6,721,751 B1 (hereafter, the "Furusho Patent") as evident from The Delphion Integrated View corresponding to U.S. Patent 6,721,751 B1, a copy of which is of record as "Exhibit A" (See also "Declaration under 37 C.F.R. § 1.132" by Shinji Furusho, filed herewith and hereafter referred to as the "Furusho Declaration," ¶¶ 1-5). In view of these facts, Applicant will discuss the disclosure of the Shinji Document with reference to the Furusho Patent and the Shinji Document.

Before discussing the disclosure of the Shinji Document, Applicant draws the Examiner's attention to the fact that Applicant is the inventor of both the subject matter of the Shinji Document and the subject matter of the present application (Furusho Declaration, ¶ 1).

The Shinji Document discloses a structure for table-format data with a small data size whereby a plurality of tables of table-format data can be joined as desired, a method of concatenating table-format data, and a method for displaying concatenated table-format data

(See Abstract of the Furusho Patent, and see Abstract of the Shinji Document). In accordance with the method disclosed by the Shinji Document, each table of table-format data is constructed in a manner such that each table is divided into one or more information blocks consisting of: (i) a value list in which the field values are stored in the order of a field value number corresponding to the field value belonging to a specified field, and (ii) a pointer array in which pointer values for pointing to said field value numbers are stored in a unique record order (See Abstract of the Furusho Patent, and see Abstract of the Shinji Document).

In other words, the Shinji Document discloses a method of concatenating a plurality of tables of table-format data where each table is represented by an array of records containing a field and the field values contained therein, wherein the method comprises the steps of: (a) constructing each table of table-format data in a manner such that each table is divided into one or more information blocks consisting of (i) a value list in which the field values are stored in the order of a field value number corresponding to the field value belonging to a specified field, and (ii) a pointer array in which pointer values for pointing to said field value numbers are stored in a unique record order; (b) finding equivalent fields among a plurality of tables of table-format data, identifying the information blocks for the equivalent fields in each of the plurality of tables of the table-format data; and (c) comparing the value lists contained in the identified information blocks, and setting both value lists to the same values, at the time of setting the value lists to the same values, adding pointer values to associated pointer arrays in the information block to which that field value is added, and by making the value lists contained in the information blocks for specific fields in the plurality of tables of table-format data equivalent, concatenating the table-format data (See, e.g., claim 1 of the Furusho Patent, and claim 1 of the Shinji Document).

However, the Shinji Document does not teach, or even suggest, (i) “creating an ordered set array containing record numbers of records selected from the array of records,

wherein the selected record numbers are arranged in a specified order in the ordered set array” and (ii) “arranging a pointer value in the first pointer array at a position indicated by each of the record numbers of the ordered set array into an item value number array at a position corresponding to a position where the record number is arranged in the ordered set array” as recited by independent claims 1, 3, 9 and 11 (See Furusho Declaration, ¶ 9). The Shinji Document also does not teach, or even suggest, (iii)

“creating a second value list storing value elements contained in the item value number array and a second pointer array storing position elements indicating elements in the second value list corresponding to the record numbers by referring to the item value number array, wherein

a value in the first value list is specified from a record number of the ordered set array through a first element in the second pointer array at a position indicated by the record number and a second element in the second value list at a position indicated by the first element in the second pointer array”

as recited by claims 1 and 9, and (iv)

“specifying a value in the first value list from a record number of the ordered set array through an element in the item value number array at a position indicated by the record number”

as recited by claims 3 and 11 (See Furusho Declaration, ¶ 9).

In other words, the Shinji Document does not teach, or suggest, steps (b), (c) and (d) recited by independent claims 1 and 9, and steps (b), (c) and (d) recited by independent claims 3 and 11 of the above-captioned application (See Furusho Declaration, ¶¶ 9 and 10). According to the embodiments of the present invention recited by claims 1, 3, 9 and 11, a data processing method is provided that can efficiently handle a small subset from a very large tabular format data. With respect to the embodiments of the present invention recited by claims 1 and 9, the size of the value list is shrunk because the second value list, whose size is smaller than that of the first value list, is generated. Consequently, it is possible to shorten the processing time for retrieval, aggregation, sorting and joining.

For all of the above reasons, the Examiner has failed to establish a prima facie case of anticipation against any of Applicant’s claims.

**iii. Rebutting the Examiner's Arguments**

The Examiner argues that the Shinji Document and the Furusho Patent pertain to unrelated inventions because the inventive entities are different (Office Action, dated March 5, 2009, at 9, lines 7-11). As demonstrated by the Furusho Declaration, ¶¶ 1-5, the Shinji Document and the Furusho Patent disclose the same invention. Therefore, the Examiner's contention that the Shinji Document and the Furusho Patent disclose different inventions is flawed and must be withdrawn.

Furthermore, anticipation is a question of fact. Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. at 485. In this case, Applicant has submitted his testimony to establish the fact that the Shinji Document does not teach, or suggest, (i) "creating an ordered set array containing record numbers of records selected from the array of records, wherein the selected record numbers are arranged in a specified order in the ordered set array" as recited by independent claims 1, 3, 9 and 11, (ii) "arranging a pointer value in the first pointer array at a position indicated by each of the record numbers of the ordered set array into an item value number array at a position corresponding to a position where the record number is arranged in the ordered set array" as recited by claims 1, 3, 9 and 11, (iii)

"creating a second value list storing value elements contained in the item value number array and a second pointer array storing position elements indicating elements in the second value list corresponding to the record numbers by referring to the item value number array, wherein

a value in the first value list is specified from a record number of the ordered set array through a first element in the second pointer array at a position indicated by the record number and a second element in the second value list at a position indicated by the first element in the second pointer array"

as recited by claims 1 and 9, and (iv)

"specifying a value in the first value list from a record number of the ordered set array through an element in the item value number array at a position indicated by the record number"

as recited by claims 3 and 11 (See also Furusho Declaration, ¶ 9).

The Examiner has made no attempt whatsoever to demonstrate that the multitude of missing elements identified by Applicant are, in fact, disclosed by the Shinji Document.

Furthermore, the Examiner contends Applicant's reliance on the Furusho Patent to demonstrate that the Shinji Document fails to disclose numerous elements of the claimed invention is misplaced because the Furusho Patent and the Shinji Document disclose presumably different inventions (Office Action, dated March 5, 2009, at 9, line 17, to 10, line 2). The Examiner's contention is erroneous because the Furusho Patent and the Shinji Document disclose the same invention, and as pointed out by the inventor himself fail to disclose numerous limitations of the present invention (Furusho Declaration, ¶¶ 9 and 10).

For all of the above reasons, the Examiner has failed to establish a prima facie case of anticipation against Applicant's claims 1-28.

### III. CONCLUSION

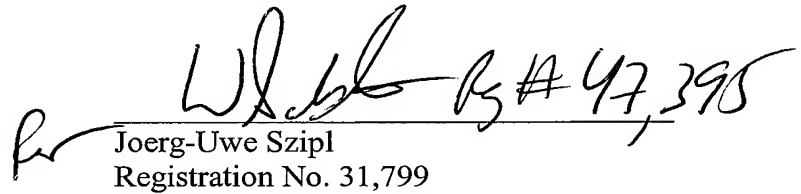
In view of the present amendment, claims 1-28 are now in compliance with 35 U.S.C. § 112. Furthermore, the Examiner has failed to establish a prima facie case of anticipation against Applicant's claimed invention because the Shinji Document fails to teach each and every limitation of independent claims 1, 3, 9 and 11. In fact, **the Shinji Document fails to teach steps (b), (c) and (d) of claims 1, 3, 9 and 11.**

For all of the above reasons, claims 1-28 are in condition for allowance, and a prompt notice of allowance is earnestly solicited.

The below-signed attorney for Applicant welcomes any questions.

Respectfully submitted,

*GRIFFIN & SZIPL, P.C.*

A handwritten signature in black ink, appearing to read 'Joerg-Uwe Szipl', is written over a horizontal line. To the right of the signature, the text 'B # 47,395' is handwritten. Below the signature line, the printed name 'Joerg-Uwe Szipl' and 'Registration No. 31,799' are visible.

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